

DIST/OFFICE	DOCKET YR. NUMBER	FILING DATE MO. DAY YEAR	J	N/S	O	R	LS	\$	DEMAND OTHER	JUDGE NUMBER	JURY DEM.	DOCKET YR. NUMBER
1085/4	75 0555	12 08 75	1	710	1					8509		75 0555-B

PLAINTIFFS

DUNLOP, JOHN T.
Secretary of Labor, United
States Department of Labor

DEFENDANTS

GUARDIAN ENTERPRISES, INC.,
a corporation, and
COWHERD, R.C., an individual

CAUSE

29 USC 201, et seq.

FLSA: To restrain any withholding of payment of minimum wage and overtime compensation found by the Court to be due employees under the FLSA.

Marigny A. Lanier
Robert F/ Maris
Ronald M. Gaswirth
Regional Solicitor
William E. Everheart
Office of the Solicitor
U.S. Department of Labor
555 Griffin Square Building
Suite 707
Dallas, Texas 75202

ATTORNEYS

Charles A. Whitebook
Mr. John K. Harlin, Jr.
Whitebook, Knox, Holtz & Harlin
~~Wright Building 4th floor Bldg.~~
Tulsa, 583-2626

74119

214-749-3482

☐ CHECK
HERE
IF CASE WAS
FILED IN
FORMA
PAUPERIS

FILING FEES PAID

DATE	RECEIPT NUMBER	C.D. NUMBER

STATISTICAL CARDS

CARD	DATE MAILED
JS-5	1-1-76
JS-6	10-1-78

DATE	NR.	PROCEEDINGS
'75		
12-8	1.	Complaint and Summons issued. v
12-8	2.	Pltf.'s Interrogs., fld. v
12-16		Summons, ret & filed: Served Guardian Enterprises by serving R. C. Cowherd at Tulsa, OK, on 12-16-75; served R. C. Cowherd at Tulsa, OK, on 12-16-75. (USM \$9.12)ph
1976		
1-6	3.	Defts Appl. for Ext. of Time to Further Plead or Ans., filed. tc O-J
1-8	4.	Ordered that Defts. be granted an additional ten days to further plead or answer, filed. (AEB-J)tc cps mld.
1-15	5.	Answer of defts. presenting defenses under Rule 12(b), filed. lm
1-20-76	6.	Objections to Interrogatories and Brief, filed. tc
1-20-76	7.	Mot. to Produce Documents, filed. tc
1-21	8.	Brf. in support of Mot. to Produce Documents, filed. tc
1-23	MO:	Parties are directed to hold PT conf. on or before 3-5-76 & file PT Order on or before 3-12-76. (AEB-J)ph cps by cert ml
2-11	9.	Pltf.'s <u>response & objections</u> to Defts.' request for production of documents & <u>brief</u> in support thereof, filed. v
2-23	10.	Joint mot. for continuance to next PT docket, filed. g
2-23	11.	Order, filed, continuing case to next PT docket. No further extensions. (AEB-J)k cps mld
3-25	12.	Pltf's second set of interrogs. to deft, Guardian Enterprises, Inc., filed. ph
4-15	MO	Parties are directed to hold PT conf. on or before 5-27-76 & file PT Order on or before 6-3-76. (AEB-J)k cps by cert ml
5-21	13.	Deft. Guardian's mo/continuance from PT docket, filed. hm
5-24	14	Order, filed, striking case from PT setting. To be reset on next PT docket. s (AEB-J) cps. mld.
6-22	MO	Parties are directed to hold PT conf. on or before 8-5-76 & file PT Order on or before 8-11-76. (AEB-J)s cps by cert ml
6-24	15	Answer of Deft., Guardian Enterprises, Inc., to Pltf's second set of interrogatories, filed. s
8-6	16.	Joint motion for continuance of PT, filed. ph otw
8-6	17.	Order, filed, continuing case to next pre-trial docket. (AEB-J)k cp mld
10-18	MO:	Parties are directed to hold PT conf. on or before 11-29-76 & file PT Order on or before 12-6-76. (AEB-J)k cps by cert ml
11-19	18	Defts. joint motion for continuance of pre-trial, filed. s O to J
11-23	19.	Order, filed, that case is removed from pretrial docket dated 11-29-76 and continued to the next pretrial docket. (AEB-J)lm cps mld.
11-26	20.	Pltf's request for the production of documents for inspection and copying, filed. lm
1977		
1-13	MO	Parties are directed to hold PT conf. on or before 2-25-77 & file PT Order on or before 3-4-77. (AEB-J)k cps mld
1-31	21.	Pltf's motion to compel production of documents, filed. lm
1-31	22.	Brief in support of motion to compel production of documents, filed. lm
1-31	MO	Ordered by the Court that defts. are granted ten days from this date to file a response to pltf's mot. to compel prod. of documents. (AEB-J)lm ltrs mld

PLAINTIFF John T. Dunlop	DEFENDANT Guradian Enterprises, Inc.	DOCKET NO. _____ PAGE ____ OF ____ PAGES
-----------------------------	---	---

DATE	NR.	PROCEEDINGS
1977		
2-7	23	Pltff's notice of taking deposition of R. C. Cowherd on 2-23-77 at 1:00 p.m., Tulsa, Ok., filed.s
2-14	24.	Pltff's appli. for a striking and resetting of PTO date, filed. lm
2-15	25.	Order, filed, that case is stricken from pretrial date of 3-4-77 to be reset on next pretrial docket. lm cps mld.
3-30	26	Pltff. notice fo taking deposition of R. C. Cowherd on 4-19-77 at 9:00 A.M., in Tulsa, OK., fld. ho
5-10	---	Deposition of Roland Charles Cowherd, pursuant to the stip. of the parties, taken before Millie Ballard, LSR, at 9:00 a.m., on the 19th day of April, 1977. njb
5-11	MO:	Case referred to Magistrate Robert S. Rizley for Findings and Recommendations on all motions. (AEB-J) njb
5-20	MO:	Case set for hearing Pltff's motion to compel production of documents on 5-31-77, at 10:00 A.M. (RSR-Mag) b nts mld
5-26	27	Pltff. mot. to dismiss Pltffs. mot. to compel production of documents. fld. O to J. ho cpy to Mag Rizley
5-31	Min	Hrg. on pltff's motion to compel production of documents stricken upon advice of pltff. that said mot. is to be withdrawn. (RSR-Mag)k ntc by KT
6-10	28	Order, fld. ordered that Pltffs. mot. to compel production of documents is dismissed. (AEB-J) cps mld. ho
6-14	MO:	Parties are directed to hold PT conf. on or before 7-26-77 and file PT Order on or before 8-2-77. (AEB)k ntc mld
8-3	29.	Pre-trial Order, filed. (AEB-J)k cps mld
8-12	MO:	Case set for non-jury trial on 9-19-77, at 10:00 A.M. (AEB-J)b nts cert w/affid.
9-9	30.	Defts' mot. for continuance of non-jury trial, filed.k O to J
9-12	31.	Order, filed, that case is stricken from N/J docket of 9-19-77, to be reset on next N/J docket. (AEB-J)b cps mld
9-20	MO:	Case set for non-jury trial on 10-17-77, @ 10:00 a.m. (AEB-J) nts. by cert. mail w/affid. ho
9-22	32	Pltff. appl. for PT conference before Mag. and brief. fld. ho cpy to Mag
9-26	MO:	The Court has for consideration the Plaintiff's application for pre-trial conf. before Magistrate, & being fully advised in the premises, finds: That is case should be referred to the Magistrate for pre-trial conference. IT IS SO ORDERED. IT IS FURTHER ORDERED that this case be stricken from the non-jury docket of 10-17-77, to be reset on the November non-jury docket. (AEB-J)b ltr mld
10-5	MO:	Case set for pre-trial conference before Mag. Rizley on 10-21-77, at 2:00 P.M. (RSR-Mag) b nts by NS
10-21	Min	Case called for pre-trial conference before the Mag. Conference passed for further pre-trial to 11-10-77. (RSR-Mag)k
10-28	MO	Case set for pre-trial conference before Mag. on 11-10-77 at 2:00 p.m. (RSR-Mag)k ntc by KT
11-10	Min	Case called for pre-trial hrg. before the Mag. Parties represented. Parties advise they agree to have the case referred to the Mag. as Special Master for trial and recommended F/F and C/L. Case to be set for trial in January, 1978. (AEB-J)k
11-16	MO	By agreement of the parties, IT IS ORDERED that this case be referred to Mag. Robert Rizley for non-jury trial pursuant to Rule 53 FRCP; Order M-128 and T. 28 USC §636 to make recommendations on F/F & C/L. (AEB-J)k cps mld

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
1977			
11-18	MO	Case set for non-jury trial before the Mag. on 1-10-78 at 9:30 a.m. (RSR-Mag)k ntc by KT	
12-19	MO	Case set for final pre-trial conf. on 12-29-77 at 1:30 p.m. (RSR-Mag)k ntc by KT	
12-28	MO	Case set for non-jury trial on 1-10-78 at 9:30 a.m. is stricken and reset on 2-1-78 at 10:00 a.m. (RSR-Mag)k ntc by KT	
12-29	Min	Case called for pre-trial hrg. before Mag. Parties represented. Mag. directs stipulations to be filed by 1-18-78 & trial briefs by 1-27-78. (RSR-Mag)k	
1978			
1-26	33.	Pltf's trial brief, filed.k	
1-26	MO	Non-jury trial set for 2-1-78 at 10:00 a.m. is reset for 9:30 a.m. in courtroom no. 3. (RSR-Mag)k ntc by KT	
2-1	34.	Deft's motion to quash service of subpoena duces tecum, served on R.C. Cowherd & Susan Cowherd., filed. b	
2-1	35.	Brief in support of motion to quash, filed. b	
2-1	36.	Affidavit in support of motion to quash service of subpoena duces tecum, filed. b	
2-2		Ret. of USM service of Sub., fld. Served Ray Luzier & Susan Cowherd on 1-20-78 in Tulsa, OK; Allan Roberts, Mrs. H. Penzola Mason, Irene Chubbee, Joseph W. Bruner, Roy Greer, Hildegard Travor, Jeffrey Sullivan, Arthur J. Gillham, Louis Ellis, Clarence J. Bulp & John Marlett, on 1-23-78 in Tulsa, OK; Jack Purdie, Dave Faulkner, Michael Reel, R. C. Cowherd, Ronald Setzer, Larry G. Stephens, Steve Young, Roy Gupton, & Keith Yager on 1-24-78 in Tulsa, OK; M. M. Owens, Mr. Les Veltman, & Susan Cowherd on 1-26-78 in Tulsa, OK; Larry Fink, Vern Garbe, Ray Miller, Joseph W. Bruner, Dick Rudner, August Lee, Harlan R. Johnson, R. C. Cowherd & Chris Hardesty on 1-27-78 in Tulsa, OK; Richard McClelland & Gene Carey on 1-25-78 in Tulsa, OK; George Berry, Ernest B. Day, Jr., Cecil Stout, & Sue Ruminer on 1-30-78 in Tulsa, OK; Marjorie Hoffman, Fred Cervantes, R. C. Cowherd, & Larry Halvie on 1-31-78 in Tulsa, OK; Glenn Brown on 1-20-78 in Barnsdall, OK; Mike Bird on 1-20-78 in Nowata, OK; Don Davis on 1-20-78 in Claremore, OK; Larry Greenwood on 1-20-78 in Tulsa, OK; John C. Howe on 1-23-78 in Jenks, OK; Burley H. Scott on 2-1-78 in Tulsa, OK; Bob R. Dillon on 1-28-78 in Claremore, OK; Charles L. McClure on 1-23-78 in Tulsa, OK; Unserved Lyle Duane Battey, Cecil R. Bledsoe & Alfred J. Fuller. (USM \$176.09) ho	
2-6	37	Pltf. summary of unpaid wages. fld. ho	
2-7		Case called for Non-Jury trial before Magistrate Rizley on 2-1-78. Case tried 2-1, 2-2, 2-3 & 2-7, 1978. Parties present & rep. Parties announce ready. Deft. files motion to quash subpoena duces tecum. Ct. rules that the specified documents be furnished to Govt. At defts request, Ct. invokes the rule. Pltf. presents case in chief, w/testimony of witnesses. Stipulations filed in open court. Pltf's exhibits admitted. Deft. objects to testimony, in part, of witness #3, Milton Owens. Ct. sustains. Defts motion to strike entire testimony of Owens is overruled. Deft. requests that they be granted immunity from any criminal charge that might arise. Ct. denies. Pltf. rests. Deft. makes motion for judgment for the deft & Ct. overrules. Deft. presents case in chief w/testimony of witnesses. Deft. exs. admitted. With Ct's approval Pltf. reopens case in chief w/testimony of witness, & rests. Deft. continues with case in chief. Upon agreement of parties, trial is passed until Feb. 14, 1978, at 9:30 A.M. (RSR-Mag) b	
2-2	38	Stipulation of parties, filed. b	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>75-C-555-B</u>
John Dunlop, Sec. of Labor		Guardian Enterprises	PAGE <u>3</u> OF <u>3</u> PAGES
DATE	NR.	PROCEEDINGS	
2-15-78		on 2-14-78 & 2-15-78, Non-jury trial continues/w/test. of Deft. Cowherd. Deft's motion to amend pleadings to conform to evidence, denied. Deft. rests. Pltf. presents rebuttal evidence w/test. of witness Furlong. Parties rest. Ct. instructs parties to file Proposed Findings of fact & Conclusions of law & briefs in support within 30 days. Pltf. allowed to withdraw Pltf's Ex. J, M, D-2. Pltf. & Deft. exhibits filed. (RSR-Mag) b	
2-15-78		Pltf. exhibits, filed. b (in ex. room)	
2-15-78		Deft. exhibits, filed. b (in ex. room)	
3-16	MO	Pltf. is granted until 4-3-78 to file proposed F/F & C/L and Brief & deft. is given until 4-14-78 to file proposed F/F & C/L and brief. (RSR-Mag)k cps by KT	
3-31	MO	Upon request, pltf. is granted until 4-14-78 to submit proposed F/F & C/L. (RSR-Mag)k cps by KT	
5-10	MO	Deft. is granted until 5-17-78 to file proposed F/F & C/L. (RSR-Mag)k cps by KT	
6-9	MO	Case set for oral argument and decision before the Mag. on 6-23-78 at 11:00 a.m. (RSR-Mag)k ntc by KT	
6-22	39	Pltf. proposed F/F & C/L, fld. ho	
6-22	40	Defts. proposed F/F & C/L, fld. ho	
6-26	Min	Case called for oral argument and decision before the Mag. Parties represented. Oral arguments made. Case passed for futher oral argument and decision on 8-7-78. (RSR-Mag)k	
7-21	MO:	Case set for further oral argument & decision on 8-16-78, at 10:30 A.M. (RSR-Mag) b nts by kt	
8-16	Min	Case called for continued oral argument and decision before the Mag. Parties represented. Mag. recommends judgment be entered in favor of the pltf. and against the defts. for \$24,513.09 and for injunctive relief. Pltf. to prepare F/F and C/L and Judgment w/in 2 weeks. (RSR-Mag)k	
9-11	41	Findings of Fact & Conclusions of law, fld. Mag. recommends that judgment be entered in favor of the Pltf. & against the Defts. in accordance with the above F/F & C/L. (RSR-Mag.)ho c/m O to J.	
9-26	42	Judgment, filed & entered, that defts. are permanently enjoined & restrained from violating the Fair Labor Standards Act of 1938. Further, defts. shall deliver wages due in sum of \$24,237.19, w/in 30 days, for distribution by pltf. to appropriate employees. Further, that defts pay costs of action. (AEB-J)k cps mld	
10-6	43	Defts. mot. for new trial, fld. ho	
10-6	44	Defts. brief in supp. of mot. for new trial, fld. ho	
10-10	MO	It is ordered that the Pltf. file a responsive brief on or before 10-23-78 to Defts. mot. for new trial, (AEB-J)ho c/m	
10-20	45	Pltf. response to mot. for new trial, fld. ho	
10-30	46.	Order, filed & entered, that Motion for new trial filed by defts' be & same is hereby overruled. (AEB-J)b cps mld	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
<u>1978</u>			
11-29	47	Defts. notice of appeal, fld. ho <i>copies to usca</i>	
11-29	48	Defts. bond for costs on appeal, fld. ho	
<u>1979</u>			
1-9	49	Application of defts. to withdraw appeal, filed. rm (O)	
1-10	50	Order, filed, allowing defts. to withdraw notice of appeal. (AEB-J)k cpy to movant and to USCA	
4-9-80	--	Deposition of Roland Charles Cowherd returned to deft. counsel. Parties notified to claim exhibits w/in 30 days.k	